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G.B.

STATUTORY RULES AND ORDERS,

**1920, No. 1583.**

# FOREIGN JURISDICTION.

## THE TANGANYIKA ORDER IN COUNCIL, 1920.

At the Court at Buckingham Palace, the 22nd day of July, 1920.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by the Treaty of Peace between the Allied and Associated Powers and Germany, signed at Versailles on the Twenty-eighth day of June, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights and titles over her Oversea possessions :

And whereas the said Treaty having been duly ratified as therein provided came into force on the Tenth day of January, 1920 :

And whereas it has been agreed between the Principal Allied and Associated Powers that the territories of Africa situate within the limits of this Order (being part of the territories formerly known as German East Africa) shall be administered by His Majesty the King, subject to and in accordance with the provisions of the said Treaty :

And whereas accordingly by treaty, capitulation, grant, usage, sufferance and other lawful means His Majesty has power and jurisdiction within the said territories (hereinafter called the Tanganyika Territory) :

Now, therefore, His Majesty, by virtue and in exercise of the powers on this behalf by the Foreign Jurisdiction Act, 1890, or otherwise, in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :— 53-4 V. c. 37.

### PRELIMINARY.

**1.** This Order may be cited as "The Tanganyika Order in Council, 1920." Title of Order.

The limits of this Order are the territories comprised in the Tanganyika Territory, which includes the territories bounded on the east by the Indian Ocean; on the north by the frontiers of the East Africa and Uganda Protectorates; on the west by the Limits of Order.

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Belgian Congo, including that part of the territories formerly known as German East Africa placed under the administration of Belgium in accordance with the hereinbefore recited Treaty; and on the south by the frontiers of Northern Rhodesia, the Nyasaland Protectorate and Portuguese East Africa, and within the territories comprised in the Tanganyika Territory are also included Mafia Island and all adjacent islands between the mouths of the Rivers Rovuma and Umba, which do not form part of the dominions of His Highness the Sultan of Zanzibar.

The said territories are in this Order referred to as " the Territory."

Definitions.

**2.** In this Order—

" Secretary of State " means one of His Majesty's Principal Secretaries of State;

" Public Lands " means all lands in the Territory which are subject to the control of His Majesty by virtue of any Treaty, Convention, or Agreement, or of His Majesty's Protectorate, and all lands which shall have been acquired for the public service or otherwise howsoever;

" Gazette " means the Gazette of the Tanganyika Territory;

" Person " includes Corporation;

Words importing the plural or the singular may be construed as referring to one person or thing or to more than one person or thing, and words importing the masculine as referring to females (as the case may require).

**3.**—(1) Where this Order or any Ordinance confers a power or imposes a duty, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2) Where this Order or any Ordinance confers a power or imposes a duty on the holder of an office, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed by the holder of the office for the time being or by a person duly appointed to act for him.

(3) Where this Order or any Ordinance confers a power to make rules, regulations, or orders, then, unless a contrary intention appears, the power shall be construed as including a power, exercisable in the like manner and subject to the like approval and conditions (if any) to rescind, revoke, amend or vary the rules, regulations, or orders.

(4) Expressions defined in this Order shall have the same respective meanings in any Ordinances, rules, or regulations made under this Order, unless a contrary intention appears.

## Administration.

Office of Governor constituted.

**4.**—(1) His Majesty may, by a Commission under His Sign Manual and Signet, appoint a fit person to administer the Government of the Territory under the designation of Governor and Commander-in-Chief, or such other designation as His Majesty

thinks fit, and the person so appointed as hereinafter referred to as the Governor.

Governor's powers and authorities.

(2) The said Governor is hereby authorised, empowered, and commanded to do and execute all things that belong to his said office, according to the tenour of any Orders in Council relating to the Territory, and of such Commission as may be issued to him under His Majesty's Sign Manual and Signet, and according to such Instructions as may from time to time be given to him under His Majesty's Sign Manual and Signet, or by Order in Council, or by His Majesty through one of His Majesty's Principal Secretaries of State, and to such laws as are now or shall hereafter be in force in the Territory.

Publication of Governor's Commission.

(3) Every person appointed to fill the office of Governor shall, with all due solemnity, before entering on any of the duties of his office, cause the Commission appointing him to be Governor to be read and published in the presence of a Judge of His Majesty's High Court or, if there be no Judge of the said Court who is able to attend, in the presence of such other His Majesty's Officers in the Territory as can conveniently attend, which being done, he shall then and there take before him or them the Oath of Allegiance in the form provided by an Act passed in the Session holden in the Thirty-first and Thirty-second years of the Reign of Her Majesty Queen Victoria, intituled "An Act to amend the Law relating to Promissory Oaths"; and likewise the usual oath for the due execution of the office of Governor and for the due and impartial administration of justice, which oaths the said Judge, or some other of His Majesty's Officers then present, is hereby required to administer.

Oaths to be taken by Governor.

Succession to Government.

(4) Whenever the office of Governor is vacant, or if the Governor become incapable or be absent from the Territory, or is from any cause prevented from acting in the duties of his office, the person appointed to be Chief Secretary to the Government of the Territory, or if there be no such Officer therein, or such Officer be unable to act, then such person or persons as His Majesty may appoint under His Sign Manual and Signet, and in default of any such appointment the Senior Member of the Executive Council shall, during His Majesty's pleasure, administer the Government of the Territory, first taking the oaths hereinbefore directed to be taken by the Governor and in the manner herein prescribed, which being done, the Chief Secretary or any other such Administrator as aforesaid is hereby authorised, empowered, and commanded to do and execute, during His Majesty's pleasure, all things that belong to the office of Governor according to the tenour of this Order, and according to His Majesty's Instructions as aforesaid, and the laws of the Territory. Provided that the Governor during his passage by sea to or from any part of the Territory, or when, in the exercise or discharge of any powers or duties by this Order in Council or otherwise conferred or imposed upon him, he is in any territories adjacent

Administrator.

Oaths to be taken by Administrator.

to or near to the Territory, shall not be considered to be absent from the Territory.

Appointment of Deputy to Governor.

(5) In the event of the Governor having occasion at any time to be temporarily absent for a short period from the seat of Government, or, in the exercise or discharge of any powers or duties conferred or imposed upon him by His Majesty, or through one of His Majesty's Principal Secretaries of State, to visit any territories adjacent to or near to the Territory, he may by an instrument under the Public Seal of the Territory appoint the Chief Secretary, or if there be no such Officer or such Officer is absent or unable to act, then any other person to be his Deputy within any part of the Territory, during such temporary absence and in that capacity to exercise, perform and execute, for and on behalf of the Governor during such absence but no longer, all such powers and authorities vested in the Governor (except the power of pardon), as shall in and by such instrument be specified and limited, but no others. Every such Deputy shall conform to and observe all such instructions as the Governor shall from time to time address to him for his guidance. Provided nevertheless that by the appointment of a Deputy as aforesaid the power and authority of the Governor shall not be abridged, altered, or in any way affected otherwise than His Majesty may at any time think proper to direct.

Public Seal.

**5.** The Governor shall have an Official Seal, bearing the style of his office, and such device as a Secretary of State from time to time approves, and such seal shall be deemed the Public Seal of the Territory, and may be kept and used by the Governor for the sealing of all things whatsoever that shall pass the Public Seal. And, until a Public Seal shall be provided, the seal of the Governor may be used as the Public Seal.

Executive Council.

**6.** There shall be an Executive Council in and for the Territory, and the said Council shall consist of such persons as His Majesty may direct by Instructions under His Majesty's Sign Manual and Signet, and all such persons shall hold their places in the said Council during his Majesty's pleasure.

Definition of Boundaries, and formation of Provinces, &c.

**7.**—(1) The Governor may, with the approval of a Secretary of State, by Proclamation, define any boundaries of the territories for the time being within the limits of this Order, and divide those territories into provinces or districts in such manner and with such subdivisions as may be convenient for purposes of administration describing the boundaries thereof and assigning names thereto.

(2) If a question arises whether any place is or is not within the Territory, or within any province, and such question does not appear to be determined by any such Proclamation, or other evidence, it shall be referred to the Governor, and a certificate under his hand and seal shall be conclusive on the question, and judicial notice shall be taken thereof.

Public Lands

**8.**—(1) All rights in or in relation to any public lands shall vest in and may be exercised by the Governor for the time being

in trust for His Majesty, or if the Secretary of State at any time with respect to all or any such lands by Order under his hand so directs, in such other trustee or trustees for His Majesty as the Secretary of State may appoint.

(2) The Secretary of State may, when he thinks fit, by a like Order remove any trustee so appointed, and may appoint any new or additional trustee or trustees.

(3) All mines and minerals being in, under or on any lands in the occupation of any native tribe, or any members thereof, or of any person not possessed of the right to work such mines and minerals, shall vest in the Governor, or such trustee or trustees, in like manner as the mines and minerals in, under or on any public lands.

(4) The Governor, or such other trustee or trustees, may make grants or leases of any such public lands or minerals as aforesaid, or may permit such lands to be temporarily occupied, on such terms and conditions as he or they may think fit, subject to the provisions of any Ordinance.

Governor empowered to make grants of lands.

(5) Subject as aforesaid, the Governor, in His Majesty's name and on His Majesty's behalf, may make and execute, under the Public Seal, grants and dispositions of any lands within the Territory which may be lawfully granted or disposed of by His Majesty: Provided that every such grant or disposition be made in conformity either with some Order in Council or law now or hereafter in force in the Territory, or with some Instructions which may be addressed to the Governor under His Majesty's Sign Manual and Signet, or through a Secretary of State.

Appointment of public officers.

**9.** A Secretary of State, or the Governor, subject to the directions of a Secretary of State, may, on behalf of His Majesty, appoint, or authorise the appointment of, such public officers for the administration of the Territory, under such designations as he may think fit, and may prescribe their duties; and all such public officers unless otherwise provided by law, shall hold their offices during His Majesty's pleasure.

Suspension of public officers.

**10.** The Governor may, upon sufficient cause to him appearing, suspend from the exercise of his office any person holding any office within the Territory, whether appointed by virtue of any Commission or Warrant from His Majesty or in His Majesty's name or by any other mode of appointment. Every such suspension shall continue and have effect only until His Majesty's pleasure therein shall be signified to the Governor. In proceeding to any such suspension, the Governor is strictly to observe the directions in that behalf given to him by any Instructions as aforesaid.

Grant of pardon.

**11.** When any crime or offence has been committed within the Territory, or for which the offender may be tried therein, the Governor may, as he shall see occasion, in His Majesty's name and on His Majesty's behalf, grant a pardon to any accomplice in such crime or offence who shall give such information as shall lead to the conviction of the principal offender, or of any one

of such offenders, if more than one; and further, may grant to any offender convicted in any Court, or before any Judge or other Magistrate, within the Territory a pardon, either free or subject to lawful conditions, or any remission of the sentence passed on such offender, or any respite of the execution of such sentence, for such period as the Governor thinks fit, and may remit any fines, penalties, or forfeitures due or accrued to His Majesty.

Publication of Ordinances, &c.

**12.** All Ordinances, Proclamations, Regulations, Rules or other public notifications shall be published in the Gazette and also in such other manner as the Governor may direct in the case of any particular notification

## Legislation.

Making of Ordinances.

**13.**—(1) The Governor may make Ordinances for the administration of justice, the raising of revenue, and generally for the peace, order and good government of all persons in the Territory.

(2) In the making of any Ordinances, the Governor shall conform to and observe all rules, regulations and directions in that behalf contained in any Instructions under His Majesty's Sign Manual and Signet.

(3) The Governor shall observe any general or special instructions of the Secretary of State with respect to the previous submission to the Secretary of State of draft Ordinances, to the making of Ordinances for particular purposes, to the amendment of Ordinances or draft Ordinances, and to other matters in relation thereto; but nothing in this provision shall affect the validity of any Ordinance.

(4) In making Ordinances, the Governor shall respect existing native laws and customs except so far as the same may be opposed to justice or morality.

(5) The Governor shall sign every Ordinance made by him, and shall, at the first available opportunity, transmit two authenticated copies thereof to the Secretary of State.

Disallowance of Ordinances.

(6) The Secretary of State may disallow any Ordinance, wholly or in part, and upon such disallowance being publicly notified in the Gazette, the provisions so disallowed shall thereupon cease to have effect, but without prejudice to anything lawfully done or suffered thereunder.

Numbering of Ordinances.

(7) The Ordinances of each year shall be numbered consecutively and each may be cited by its number and year or by its short title if any.

Date of commencement.

(8) Where a date for the commencement of an Ordinance is not fixed in the Ordinance it shall come into force on the day on which it is promulgated by the Governor.

Application of United Kingdom, Indian or Colonial law.

(9) An Ordinance may apply to the Territory any Act or Law of the United Kingdom, or of any legislature of India, or of any Colony or Protectorate, subject to any exceptions and modifications which may be deemed fitting.

(10) The Governor shall, at the first available opportunity after any rules or regulations are made under any Ordinance by any person or body authorised, transmit two authenticated copies thereof to the Secretary of State.

Transmission to Secretary of State of copies of rules made under Ordinances.

(11) An Ordinance shall not be repealable by any rules or regulations made under an Ordinance.

Ordinances not to be repealable by rules.

(12) An Ordinance varying or affecting any Order in Council relating to the Territory shall not come into force unless it has been previously approved by the Secretary of State and such approval shall be recited therein.

Ordinances affecting Orders in Council not to come into force without approval of Secretary of Sate.

APPLICATION OF LAW.

**14.** The enactments described in the First Schedule to the Foreign Jurisdiction Act, 1890, shall apply to the Territory as if it were a British Colony or Possession, but subject to the provisions of this Order and to the exceptions, adaptations, and modifications following, that is to say :—

Foreign Jurisdiction Act, 1890.

(i) The Governor is hereby substituted for the Governor of a Colony or British Possession, and the High Court is hereby substituted for a Superior Court or Supreme Court, and for a Magistrate or Justice of the Peace of a Colony or British Possession.

(ii) For the portions of the Merchant Shipping Acts, 1854 and 1867, referred to in the said Schedule, shall be substituted Part XIII. of the Merchant Shipping Act, 1894.

17–8 V. c. 104.
30–1 V. c. 124.
57–8 V. c. 60.

(iii) In Section 51 of the Conveyancing (Scotland) Act, 1874, and any enactment for the time being in force amending the same, the High Court is substituted for a Court of Probate in a Colony.

37–8 V. c. 94.

(iv) With respect to the Fugitive Offenders Act, 1881 :—

44–5 V. c. 69.

(*a*) So much of the 4th and 5th sections of the said Act as relates to sending a report of the issue of a warrant, together with the information, or a copy thereof, or to the sending of a certificate of committal and report of a case, or to the information to be given by a Magistrate to a fugitive, shall be excepted, and in lieu of such information the person acting as the Magistrate shall inform the fugitive that in the British Possession or Protectorate to which he may be conveyed he has the right to apply for a writ of *habeas corpus* or other like process.

(*b*) So much of the 6th section of the said Act as requires the expiration of fifteen days before issue of warrant, shall be excepted.

(*c*) The Governor shall not be bound to return a fugitive offender to a British Possession unless satisfied that the proceedings to obtain his return are taken with the consent of the Governor of that Possession.

(*d*) For the purposes of Part II. of the said Act, the East Africa, Uganda and Zanzibar Protectorates and the Tanganyika Territory and all British Possessions and Protectorates in Africa south of the Equator shall be deemed to be one group of British Possessions.

3–4 G. 5. c. 16.

Provided that nothing in this Article contained shall be taken to extend to the Territory the enactments mentioned in the Schedule to the Foreign Jurisdiction Act, 1913, or any of them.

Acts done under Merchant Shipping Act, 1894 (57–8 V. c. 60).

**15.** Where under the Merchant Shipping Act, 1894, or any amending Act, anything is authorised to be done by, to, or before a British Consular officer, such thing may be done, in any place in the Territory at which there is no Consular officer, by, to, or before such officer of the Government of the Territory as the Governor may appoint.

Application of Colonial Prisoners Removal Act, 1884 (47–8 V. c. 31).

**16.** The Colonial Prisoners Removal Act, 1884, shall apply to and take effect within the Territory as if the same were a British Possession and part of His Majesty's dominions, subject as follows :—

The Governor is hereby substituted for the Governor of a British Possession

COURTS OF JUSTICE.

Establishment of High Court.

**17.**—(1) There shall be a Court of Record styled "His Majesty's High Court of Tanganyika" (in this Order referred to as the High Court). Save as hereinafter expressed the High Court shall have full jurisdiction, civil and criminal, over all persons, and over all matters in the Territory.

Civil and criminal jurisdiction.

(2) Subject to the other provisions of this Order, such civil and criminal jurisdiction shall, so far as circumstances admit, be exercised in conformity with the Civil Procedure, Criminal Procedure and Penal Codes of India and the other Indian Acts and other laws which are in force in the territory at the date of the commencement of this Order or may hereafter be applied or enacted, and subject thereto and so far as the same shall not extend or apply shall be exercised in conformity with the substance of the common law, the doctrines of equity and the statutes of general application in force in England at the date of this Order and with the powers vested in and according to the procedure and practice observed by and before Courts of Justice and Justices of the Peace in England according to their respective jurisdictions and authorities at that date, save in so far as the said Civil Procedure, Criminal Procedure and Penal Codes of India and other Indian Acts and other laws in force as aforesaid and the said common law doctrines of equity and statutes of general application and the said powers, procedure and practice may, at any time before the commencement of this Order, have been or may hereafter

be modified, amended or replaced by other provision in lieu thereof by or under the authority of any Order of His Majesty in Council, or by any Proclamation issued or by any Ordinance or Ordinances passed in and for the Territory : Provided always, that the said common law, doctrines of equity and statutes of general application shall be in force in the Territory so far only as the circumstances of the Territory and its inhabitants and the limits of His Majesty's Jurisdiction permit, and subject to such qualifications as local circumstances may render necessary.

Location of High Court.

(3) The High Court shall sit at such place or places as the Governor may appoint.

Seal of High Court.

(4) The High Court shall have a seal bearing the style of the Court and a device approved by the Secretary of State; but until such seal is provided a stamp bearing the words "High Court of Tanganyika" may be used instead thereof.

High Court to be a Court of Admiralty.

**18.**—(1) The High Court shall be a Court of Admiralty, and shall exercise Admiralty jurisdiction in all matters arising on the high seas or elsewhere or upon any lake or other navigable inland waters or otherwise relating to ships or shipping.

53–4 V. c. 27.

(2) The following enactments of the Colonial Courts of Admiralty Act, 1890, that is to say, Section (2), Subsections (2) to (4), Sections 5 and 6, Section 16, Subsection (3), shall apply to the High Court as if in the said sections the said Court were mentioned in lieu of a Colonial Court of Admiralty, and the Territory were referred to in lieu of a British possession.

Judges of High Court.

**19.**—(1) There shall be as many Judges of the High Court as may from time to time be required.

(2) Every Judge shall be appointed by Letters Patent under the Public Seal of the Territory by the Governor in accordance with such instructions as he may receive from His Majesty through a Secretary of State, and shall hold office during His Majesty's pleasure.

(3) When there are more Judges than one, the principal Judge shall have such distinguishing title as the Secretary of State may approve.

(4) In any case of death, illness, or absence, or in any other emergency, the Governor may appoint an acting Judge.

Jurisdiction of the High Court.

**20.** The High Court shall exercise full jurisdiction with regard to all crimes and offences committed before the commencement of this Order within the Territory, or for which the offender may be tried therein, and such jurisdiction shall be exercised in conformity with the law in force in the Territory at the date when such crime or offence was committed and in conformtiy either with the procedure in force in the Territory at that date or, at the discretion of the High Court, with the procedure in force under Article 17 (2) of this Order.

Special Tribunal.

**21.**—(1) There shall also be a Special Tribunal, which shall consist of one of the Judges of the High Court appointed by the Governor to hold such Tribunal, sitting either alone or together with such other person or persons as the Governor may direct.

(2) The Special Tribunal shall exercise full jurisdiction in all civil causes and matters which arose before the commencement of this Order, and such jurisdiction shall, so far as circumstances admit, be exercised in conformity with the law and procedure in force in the Territory at the date when the cause of action arose, unless the Special Tribunal shall be satisfied that some other law is applicable to such cause or matter or that the procedure in force under Article 17 (2) of this Order is more suitable thereto, in which case it shall exercise the said jurisdiction in conformity with such other law or procedure.

(3) All periods of prescription or limitation of rights of action, whether they began to run before or after the outbreak of war, shall be treated as having been suspended by the duration of the war. They shall begin to run again from the date of this Order.

(4) The Special Tribunal shall also exercise such other civil jurisdiction as may be assigned to it by or under the authority of any Order of His Majesty in Council or by any Ordinance or Ordinances passed in and for the Territory, and shall exercise such jurisdiction in conformity with the law and procedure mentioned in Article 17 (2) of this Order.

(5) The Special Tribunal may, with the concurrence of the Governor, delegate to any subordinate Court or to any officer in the Territory all or any of its powers under this Order. Such delegation shall, however, be subject to such limitations and to such conditions either with regard to appeal or otherwise as the Special Tribunal shall think fit.

(6) No appeal shall lie from any order, finding or decree of the Special Tribunal.

(7) Any order or decree of the Special Tribunal may be executed in the same manner as similar orders or decrees of the High Court are executed, and the Special Tribunal may in its discretion transfer any such order or decree to the High Court for execution and the High Court shall proceed as if such order or decree had been made by itself.

Constitution of subordinate Courts.

**22.**—(1) Court subordinate to the High Court and Courts of special jurisdiction may be constituted by or under the provisions of any Ordinance as occasion requires.

(2) Provision may be made by Ordinance for the hearing and determining of appeals from any such Court by the High Court or otherwise.

Application of Article 9 to all Judges (other than Judges of the High Court), magistrates, &c.

**23.** Article 9 of this Order shall apply to the appointment of all Judges and Magistrates (other than Judges of the High Court), and to Registrars and other principal officers of the High Court in like manner as it applies to public officers.

Recognition of native law.

**24.** In all cases civil and criminal to which natives are parties every Court shall (*a*) be guided by native law so far as it is

applicable and is not repugnant to justice and morality or inconsistent with any Order in Council or Ordinance or any Regulation or Rule made under any Order in Council or Ordinance; and shall (*b*) decide all such cases according to substantial justice without undue regard to technicalities of procedure and without undue delay.

Confirmation by Governor of capital sentences.

**25.** When any person has been sentenced to death the High Court shall transmit to the Governor a copy of the evidence, and the sentence shall not be carried into effect until confirmed by him.

Rules of Procedure for all Courts except Special Tribunal.

**26.**—(1) Subject to the provisions of any Ordinance, the High Court may, with the approval of the Governor, make Rules for regulating the practice and procedure of the High Court and of all other Courts (except the Special Tribunal) which may be established in the Territory.

(2) The power to make Rules under this Article shall include (*a*) a power to fix fees and scales of remuneration, and (*b*) a power to regulate the conditions upon which persons may be admitted to practice as advocates or solicitors in such Courts.

(3) At the first available opportunity after such Rules are made, the Governor shall transmit an authenticated copy thereof to the Secretary of State.

Rules of Procedure for Special Tribunal.

**27.** The Judge of the Special Tribunal shall have the same power to make Rules regulating the practice and procedure of the Special Tribunal as is conferred on the High Court by the preceding Article, and the provisions of that Article shall apply, *mutatis mutandis*, to Rules so made by the Judge of the Special Tribunal.

Courts not to exercise jurisdiction over Governor, his residences or property.

**28.**—(1) A Court under this Order shall not exercise any jurisdiction in any proceeding whatsoever over the Governor or his official or other residences or his official or other property.

(2) This Article shall not operate in bar of any proceeding against the Governor in his official capacity, where it is sought to establish any liability of the Government of the Territory.

INDEMNIFICATION AND VALIDATION.

Indemnifications.

**29.**—(1) No action or other legal proceeding whatsoever, whether civil or criminal, shall be instituted in any Court for or on account of or in respect of any act, matter or thing done in the Territory during the war with Germany, or between the termination of such war and the date of this Order if done in good faith and done or purported to be done in the execution of his duty or for the public safety, or for the enforcement of discipline, or otherwise in the public interest, by a person holding office under or employed in the service of the Crown in any capacity, whether naval, military, air-force, or civil, or by any other person acting under the authority of a person so holding office or so employed; and if any such proceeding has been instituted whether before or after the date of this Order it shall be discharged and made void.

(2) For the purposes of this Article a certificate by the Governor that any act, matter or thing was done under the authority of a person so holding office or so employed as aforesaid shall be sufficient evidence of the facts stated in the certificate, and any such act, matter or thing done by or under the authority of a person so holding office or so employed as aforesaid shall be deemed to have been done in good faith unless the contrary is proved.

Validation of sentences.

**30.** Any sentence passed, judgment given, or order made before the date of this Order in the territories comprised in the Territory, by any military Court (other than a Court Martial constituted in pursuance of any Statute) in connection with the said war, or by any Court established for the administration of Justice in the said territories shall be deemed to be and always to have been valid, and to be and always to have been within the jurisdiction of the Court.

Validation of laws.

**31.** All laws, proclamations and other legislative acts made, issued or done before the date of this Order by the authority for the time being administering the said territories for the peace, order or good government thereof shall be deemed to be and always to have been valid and of full effect, notwithstanding that any such legislative act may have repealed or been inconsistent with the law previously in force in the said territories.

## Removal and Deportation.

Deportation of persons sentenced to imprisonment.

**32.** Where an offender convicted before any Court is sentenced to imprisonment, and the Governor, proceeding under Section 7 of the Foreign Jurisdiction Act, 1890, authority in that behalf being hereby given to him, considers it expedient that the sentence should be carried into effect outside of the Territory the place shall be a place in some part of His Majesty's dominions out of the United Kingdom, the Government whereof consents that offenders may be sent thither under this Article.

Deportation of political offenders.

**33.**—(1) Where it is shown by evidence on oath, to the satisfaction of the Governor, that any person is conducting himself so as to be dangerous to peace and good order in the Territory, or is endeavouring to excite enmity between the people of the Territory and His Majesty, or is intriguing against His Majesty's power and authority in the Territory, the Governor may, if he thinks fit, by order under his hand and official seal order that person to be deported from the Territory to such place as the Governor may direct.

Place of deportation.

(2) The place shall be a place in some part (if any) of His Majesty's dominions to which the person belongs, or the Government of which consents to the reception of persons deported under this Order, or to some place under the protection of His Majesty, or in the country out of His Majesty's Dominions to which that person belongs.

(3) An appeal shall not lie against an order of deportation made under this Article. Appeal not to lie against deportation order.

(4) If any person deported under this Order returns to the Territory without the permission in writing of the Secretary of State (which permission the Secretary of State may give) he shall be deemed guilty of an offence, and liable, on conviction, to imprisonment for any period not exceeding three months with or without a fine not exceeding five hundred rupees or florins; and he shall also be liable to be again deported forthwith. Penalty upon return, without permission of deported person.

(5) The Governor, by order under his hand and official seal, may vary or rescind any order of deportation under this Article. Governor may vary or rescind deportation order.

(6) The Governor shall forthwith report to the Secretary of State every order made by him under this Article, and the grounds thereof, and the proceedings thereunder. Every deportation order to be reported to Secretary of State.

**34.**—(1) Where, under this Order, a person is to be removed or deported from the Territory he shall, by warrant of the Governor under his hand and seal, be detained, if necessary, in custody or in prison, until a fit opportunity for his removal or deportation occurs, and then, if he is to be deported beyond sea, be put on board one of His Majesty's vessels of war, or, if none is available, then on board some other British or other fit vessel. Proceedings upon deportation.

(2) The warrant of the Governor shall be sufficient authority to the person to whom it is directed or delivered for execution, and to the commander or master of the vessel to receive and detain the person therein named, in the manner therein prescribed, and to remove and carry him to the place therein named, according to the warrant.

(3) In case of removal for any purpose other than deportation, the warrant of the Governor shall be issued in duplicate, and the person executing it shall, as soon as practicable after his arrival at the place therein named, deliver, according to the warrant, with one of the duplicates of the warrant, to a constable, or proper officer of police or keeper of a prison, or other proper authority or person there, the person named in the warrant, to be produced on the order of the proper Court or authority there, or to be otherwise dealt with according to law. Removal for purposes other than deportation.

**35.** Subject to the other provisions of this Order, all expenses of removal of prisoners and others, and the expenses of deportation, and of the sending of any person to any part of His Majesty's dominions or Protectorates, including expenses of maintenance, shall be defrayed in such manner as the Secretary of State directs. Expenses.

SUPPLEMENTARY.

**36.** All His Majesty's Officers, Civil and Military, and all other the inhabitants of the Territory are hereby required and Officers and others to obey Governor.

commanded to be obedient, aiding, and assisting unto the Governor and to such person or persons as may from time to time, under the provisions of this Order, administer the Government of the Territory.

Term "the Governor" defined.

**37.** In this Order the term "the Governor," unless inconsistent with the context, shall include every person for the time being administering the Government of the Territory.

Power reserved to His Majesty to revoke, alter, or amend present Order in Council.

**38.** His Majesty, His heirs and successors, in Council may at any time revoke, alter or amend this Order

Power of legislation, &c., reserved to the Crown.

**39.** There shall be reserved to His Majesty, His heirs and successors, His and their undoubted right, with the advice of His or their Privy Council, from time to time to make all such laws or Ordinances as may appear to Him or them necessary for the peace, order and good government of the Territory.

Dates of operation of Order.

**40.** This Order shall commence and have effect as follows :—

(1) As to the making of any Warrant or appointment, the framing of Ordinances and Rules of Procedure, and the issue of instructions, and as to the provisions relating to indemnification and validation, and as to any other provisions necessary for bringing this Order into effect, immediately from and after the date of this Order.

(2) As to all other matters and provisions comprised and contained in this Order, immediately after this Order has been read and proclaimed within the Territory, and the time of such proclamtion shall be deemed to be the time of the commencement of this Order.

And the Right Honourable Viscount Milner, G.C.B., G.C.M.G., one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein.

*Almeric FitzRoy.*

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